

STEVEN LEE DUVALL	§	
v.	§	CIVIL ACTION NO. 6:15cv564
L. BURNS, ET AL.	§	

The Plaintiff Steven Duvall, a prisoner of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights during his confinement in the Gregg County Jail. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The named Defendants are jail officers Lawrence Burns, Leo Martinez, and Kelly Pierce.

Duvall complained of an incident in which he was allegedly confined in a separation cell over the weekend of April 11-12, 2015, with the water shut off. The Defendants filed motions for summary judgment based on exhaustion of administrative remedies and on the merits, and Duvall filed a response only to the motion for summary judgment based on exhaustion of administrative remedies.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the Defendants' motion for summary judgment on the merits be granted and the lawsuit dismissed with prejudice. Copies of the Magistrate Judge's Report were sent and re-sent to Duvall at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and,

except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 42) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Defendants' motion for summary judgment on the merits (docket no. 39) is **GRANTED** and the above-styled civil action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 6 day of **January, 2017**.



Ron Clark, United States District Judge